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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,463	10/18/2001	Jeremy Burr	5038-149	3948

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EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,463

Applicant(s)

BURR, JEREMY

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. This communication is responsive to the amendment filed on June 6, 2005.

Claim 6 has been cancelled. Claims 1-5, and 7-28 are pending

New Grounds of Rejection

2. Applicants' amendment and arguments with respect to claims 1-5 and 7-28 filed on June 6, 2005 have been fully considered but they are deemed to be moot in view of the new grounds of rejection

Claim Rejections - 35 USC §102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, and 7-28, are rejected under 35 U.S.C. 102(e) as being anticipated by **Kulikov et al.**, (Kulikov) U.S. Patent Application No. **US 2002/0122410 A1**.

5. As to claim 1, Kulikov teaches a mobile device, comprising:

a receiver designed to receive a communication from one or more other mobile device (see paragraph [0091])

a transmitter designed to transmit messages to the one or more mobile device;
an application software stored in the device (see paragraph [0091]); and

a processor designed to construct a routing of mobile devices including said common software application, wherein the routing list is used to establish a sub-network of the mobile devices having said common software application within a mobile ad-hoc network (see paragraph [0014]).

6. As to claim 2, Kulikov teaches a mobile device according to claim 1, wherein the routing list includes one or more routes to the one or more other mobile devices including the common software application (see paragraph [0048]).

7. As to claim 3, Kulikov teaches a device according to claim 1, comprising:

a memory (see paragraph [0048]);

a routing table stored in the memory, the routing table including the routing list (see paragraph [0048]).

8. As to claim 4, Kulikov teaches a mobile device according to claim 3, wherein the routing table is designed to store a route to at least one other reachable device including the common software application (see paragraph [0048]).

9. As to claim 5, Kulikov teaches a mobile device according to claim 1, wherein the receiver is able to receive from a second mobile device another routing of other devices having the common software application reachable from said second mobile device (see Fig. 4, and paragraph [0048]).

10. As to claim 7, Kulikov teaches a method comprising:

Establishing a sub-network of mobile ad-hoc network of at least first and second mobile devices having a common software (see Fig. 4, and paragraph [0048]).

11. As to claim 8, Kulikov teaches a method according to claim 7, further comprising establishing a communications channel between the first and second device if the second device includes the application software (see paragraph [0269])

12. As to claim 9, Kulikov teaches a method according to claim 8, further comprising:
receiving a list of devices reachable from the second device, the list including a third device having the common software application (see Fig. 4, and paragraph [0091])
establishing a communications channel from the first device through the second device to the third device (Page 11, lines 1-12).

13. As to claim 10, Kulikov teaches a method according to claim 9, further comprising sending messages from the first device to the second device, to be relayed to the third device (see paragraph [0091]).

14. As to claim 11, Kulikov teaches a method according to claim 10, wherein sending messages from the first device to the second device includes specifying a path from the first device to the third device (see paragraphs [0098]-[0106]).

15. As to claim 12, Kulikov teaches a method according to claim 9, wherein establishing a communications channel from the first device through the second device to the third device includes establishing a communications channel from the first device through the second device to the third device without regard for any alternative route from the first device to the third device (see paragraphs [0098]-[0106]).

16. As to claim 13, Kulikov teaches a method according to claim 9, wherein determining whether the third device includes the application software includes

receiving from the second device an indication that the third device includes the common software application (see paragraphs [0098]-[0106]).

17. As to claim 14, Kulikov teaches a method according to claim 9, wherein receiving a list of devices reachable from the second device includes receiving an indication that the third device includes the common software application (see paragraphs [0098]-[0106]).

18. As to claim 15, Kulikov teaches a method according to claim 9, further comprising changing the communications channel to an alternative communications channel if the alternative communications channel has a lower cost than the communications channel (see paragraphs [0098]-[0106]).

19. As to claim 16, Kulikov teaches a method according to claim 8, further comprising: receiving a list of devices reachable from the second device; and forwarding the list of devices to a third device within range of the first device (see paragraphs [0098]-[0106]).

20. As to claim 17, Kulikov teaches a method according to claim 16, wherein receiving a list of devices reachable from the second device includes receiving a list of devices including the common software application reachable from the second device (see paragraphs [0098]-[0106]).

21. As to claims 18-28, they contain essentially the same limitations as claims 7-17 above; therefore, they are rejected under the same rationale.

Response to Arguments

22. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office Action.

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
August 15, 2005




BHARAT BAROT
PRIMARY EXAMINER